IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 19153 of 2004

Between:

Renukuntla Komraiah S/o.Madanaiah
R/o.Bhupalpalli Village and Mandal, Warangal District.

..... PETITIONER

AND

1 The District Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Mulug, Warangal District
3 The Mandal Revenue Officer, Bhupalpalli Mandal, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in cancelling the petitioner's pattadar pass book and title deed No.65562 vide proceedings No.D/2698/2004, dated 9.9.2004 of the 1st respondent as illegal, arbitrary, without any authority and against the principles of natural justice and consequently set aside the orders of the 2nd respondent.

Counsel for the Petitioner:MR.E.VENKATA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Earlier, the petitioner filed WP.No.12865 of 2004 invoking the jurisdiction of this Court under Article 226 of the Constitution of India to direct respondents 1 and 2 therein to consider the representation of the petitioner dated 16-08-2002 for issuance of pattadar passbooks and title deeds regarding the lands in Survey No.319 situated at Bhupalpalli Revenue Village and Mandal, Warangal District. This Court through interim orders dated
23-07-2004 in WPMP.No.16432 of 2004 directed the respondents to consider the representation of the petitioner dated 16-08-2002 and pass appropriate orders.

In the said writ petition, the first respondent-Revenue Divisional Officer, Mulug, Warangal District, therein, filed counter stating that the petitioner and his brother submitted a representation to the second respondent therein on 16-08-2002 and that the petitioner has fabricated some revenue pahanies and produced the same before the Land Reforms Tribunal, Manthani, to show that his grand father purchased the said land from the original declarant and accordingly, obtained orders from the Land Reforms Tribunal, Manthani on 22-03-2003, for deletion of Ac.1.00 in Survey No.319 of Bhupalpalli Village. Originally, one Mr.Venkata Muthyam Rao filed a declaration under the provisions of A.P. Land Reforms (COAH) Act, 1973 declaring him as surplus landholder.

The implead petitioner herein also obtained a similar order from the Land Reforms Tribunal, Manthani to an extent of
Acs.1-25 guntas in the same survey number and filed WP.No.19951 of 2003 questioning the action of the Mandal Revenue Officer in interfering with his possession over the said land, in which, the Mandal Revenue Officer filed counter.

While the matters stood thus, the District Collector, Warangal, after noticing the foul play made by the petitioner, ordered an enquiry into the matter on 20-06-2003. Thereupon, the
Sub-Collector, Mulug, conducted an enquiry and submitted his report to the District Collector, Warangal. In the said report, it is stated that the revenue pahanies, which were said to have been issued by the Mandal Revenue Officer and relied on by the petitioner, are not genuine documents and accordingly, the Mandal Revenue Officer filed a complaint against the petitioner and his brothers before the Station House Officer, Bhupalpalli on
08-08-2003, on which, a case in crime No.85 of 2003 was registered and the same is pending investigation.

In view of the above facts, the respondents sought for vacating the interim orders granted by this Court dated
23-07-2004, in WPMP.No.16432 of 2004 in WP.No.12865 of 2004, on which basis, pattedar passbooks and title deeds were issued to the petitioner. However, by the impugned order dated 09-09-2004, the Revenue Divisional Officer cancelled the pattedar passbooks issued in favour of the petitioner. Questioning the same, the present writ petition is filed on 13-10-2004. Subsequently, W.P.No.12865 of 2004 was dismissed as infructuous by orders dated 26-10-2004.

Since the entire matter is pending investigation, the question as to whether the petitioner is entitled for issuance of pattedar passbooks pursuant to the order passed in WPMP.No.16432 of 2004 in W.P.No.12865 of 2004 or not cannot be decided by this Court at this stage as the respondents have to complete the investigation. Be that as it may, the petitioner, now, cannot complain that the cancellation of pattedar passbooks is in violation of principles of natural justice as the said pattedar passbooks were issued pursuant to the interim orders granted earlier and reported infructuous at the time of hearing the writ petition taking advantage of the action taken pursuant to the interim orders. After completion of investigation including filing of a charge sheet, if it makes out any offence against the petitioner, the respondents can take appropriate action against him and if he is exonerated from the charges levelled against him, he can establish his right or claim over the land in question with necessary material and seek appropriate orders for issuance of pattedar passbooks apart from filing an appeal against the impugned order, if so advised.

The writ petition is accordingly dismissed. No costs.

8th NOVEMBER, 2004.

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To

1 The District Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Mulug, Warangal District
3 The Mandal Revenue Officer, Bhupalpalli Mandal, Warangal District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)

5 Two CD copies.